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030929Z Jan 05

ACTION EAP-00

INFO LOG-00 NP-00 AID-00 CIAE-00 INL-00 DODE-00 DOTE-00  
DS-00 EB-00 FAAE-00 UTED-00 H-00 TEDE-00 INR-00  
DCP-00 NSAE-00 NIMA-00 EPAU-00 SP-00 FMP-00 EPAE-00  
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FM AMEMBASSY HANOI  
TO SECSTATE WASHDC 6092  
INFO AMCONSUL HO CHI MINH CITY  
AMEMBASSY PHNOM PENH  
AMEMBASSY VIENTIANE  
AMEMBASSY BANGKOK

UNCLAS HANOI 000007

SIPDIS

SENSITIVE

STATE FOR EAP/BCLTV

E.O. 12958: N/A

TAGS: [PGOV](#) [PREL](#) [VM](#)

SUBJECT: GVN REQUESTS U.S. ASSISTANCE IN RENDITION OF  
"FUGITIVE" IN THAI PRISON.

1. (SBU) Embassy received a note December 29 from the Ministry of Foreign Affairs requesting U.S. assistance in returning the "fugitive" Ly Tong, who is currently serving a prison sentence in Thailand (translation of note in para 3). (Note: Ly Tong, a former pilot with the Republic of (South) Vietnam Air Force, was arrested and jailed in Thailand in November 2000 after commandeering a small plane in Thailand, flying it to Ho Chi Minh City, dropping anti-Vietnam leaflets over the city and returning to Thailand. He did the same over Havana in January 2000 and had previously served six years in a Vietnamese prison when he parachuted into HCMC after a 1992 airborne leaflet drop from a commercial airliner. He is currently serving a seven-year and four-month jail term in Thailand, and should be released in early 2008. End note.)

2. (SBU) Comment: In our previous conversations with the GVN on this issue, we have noted that Ly Tong is in a Thai prison, over which the United States has no jurisdiction. Our GVN interlocutors have nonetheless insisted that the USG can nonetheless "take care of things." End comment.

3. (SBU) Begin text of Embassy translation of MFA note:

Ministry of Foreign Affairs  
Socialist Republic of Vietnam

No. 622/NG-LS

The Ministry of Foreign Affairs of the Socialist Republic of Vietnam presents its compliments to the U.S. Embassy in Vietnam, and further to the Ministry's diplomatic note 32/NG-LS dated January 15, 2004, has the honor to present the Embassy the following:

1/ On November 17, 2000, Ly Tong, a Vietnamese citizen, used force to take control of an aircraft to intrude into Vietnam's air space, dropping anti-State leaflets. With this act, Ly Tong had seriously violated both the laws of Thailand and those of Vietnam. Therefore, on December 25, 2003, Rayong provincial court in Thailand handed down a seven-year and four-month prison sentence to Ly Tong on the charges of controlling an aircraft with force, flying the aircraft illegally out of Thailand's territory, illegal immigration and violating criminal laws.

2/ Since Ly Tong is a Vietnamese citizen who violated Vietnam's laws in Vietnam's territory, he must be tried and held for criminal liability in accordance with Vietnam's laws. In addition, according to information obtained by the Vietnamese side, while in jail in Thailand, Ly Tong sent messages to a number of Air Force officers of the Vietnam Republic (old regime) in Paris, France, saying that, if set free, he will fly an aircraft into Ho Chi Minh's mausoleum in the capital of Hanoi. Along with his criminal commitment to twice use force to control Thai aircraft (September 1992 and November 2000) and violate Vietnam's security and territory, this shows that the accused is a dangerous terrorist, who needs serious punishment and to be under close watch.

3/ Once again, the Vietnam has the honor to request the United States to cooperate with Vietnam and Thailand to

extradite Ly Tong to Vietnam for trial in accordance with Vietnam's laws so as to seriously punish him for his serious terrorist acts against the Socialist Republic of Vietnam.

Vietnam would take note of and highly appreciate the U.S. cooperation in response to the above request.

The Ministry of Foreign Affairs avails itself of this opportunity to renew the U.S. Embassy in Hanoi the assurances of its highest consideration.

Hanoi, December 12, 2004.

End text.

Boardman

NNNN